

CLOSED

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:09-cv-02083-IEG-POR

Sterrett v. Department of the Navy
Assigned to: Judge Irma E. Gonzalez
Referred to: Magistrate Judge Louisa S Porter
Cause: 05:552 Freedom of Information Act

Date Filed: 09/23/2009
Date Terminated: 01/20/2010
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff**Michele Sterrett**

represented by **Lloyd E Took**
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V.

Defendant**Department of the Navy**

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Date Filed	#	Docket Text
09/23/2009	<u>1</u>	COMPLAINT against Department of the Navy (Filing fee \$350, receipt number 005525), filed by Michele Sterrett.(smy)(kaj). (Entered: 09/23/2009)
09/23/2009	<u>2</u>	Summons Issued as to Department of the Navy (smy) (Entered: 09/23/2009)
09/24/2009	<u>3</u>	WITHDRAWN BY FILER ON 9/25/2009 PER WITHDRAWAL OF DOCUMENT <u>4</u> – MOTION for Preliminary Injunction by Michele Sterrett. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration, # <u>3</u> Proof of Service)(Tooks, Lloyd) Modified on 9/25/2009 – Multi part motion, no hearing date and time. Email sent to Atty (jah). Modified on 9/28/2009 – Edited to reflect as withdrawn (jah). (Entered: 09/24/2009)
09/25/2009	<u>4</u>	WITHDRAWAL OF DOCUMENT re <u>3</u> MOTION for Preliminary Injunction by Michele Sterrett. (Tooks, Lloyd). Modified on 9/28/2009 – Wrong event. Email sent to Atty. Motion termed and text corrected (jah). (Entered: 09/25/2009)
10/08/2009	<u>5</u>	SUMMONS Returned Executed by Michele Sterrett. Department of the Navy served on 9/23/2009, answer due 11/23/2009. (Tooks, Lloyd). (jah). (Entered: 10/08/2009)
11/23/2009	<u>6</u>	MOTION to Dismiss for Lack of Jurisdiction by Department of the Navy. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration of Grace Young with Exhibits, # <u>3</u> Declaration of Dan Barley with Exhibit, # <u>4</u> Declaration of Debra Richardson, # <u>5</u> Declaration of Katherine Parker with Exhibits, # <u>6</u> Proof

		of Service)(Parker, Katherine). (jah). (Entered: 11/23/2009)
12/21/2009	<u>7</u>	RESPONSE in Opposition re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction filed by Michele Sterrett. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proof of Service)(Tooks, Lloyd). (jah). (Entered: 12/21/2009)
12/28/2009	<u>8</u>	REPLY to Response to Motion re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction filed by Department of the Navy. (Attachments: # <u>1</u> Declaration of Debra Richardson, # <u>2</u> Declaration of Grace Young, # <u>3</u> Proof of Service)(Parker, Katherine). (jah). (Entered: 12/28/2009)
12/31/2009	<u>9</u>	ORDER Judge Irma E Gonzalez, Court submitting <u>6</u> Motion to Dismiss for Lack of Jurisdiction, and will prepare order. Motion Hearing set for 01/04/10 is vacated (bjb) (Entered: 12/31/2009)
01/05/2010	<u>10</u>	NOTICE Regarding Exhibit Attachment re <u>6</u> Motion to Dismiss by Department of the Navy (Attachments: # <u>1</u> Declaration of Debra Richardson, # <u>2</u> Proof of Service)(Parker, Katherine). Modified on 1/6/2010 – Added link to Motion (jah). (Entered: 01/05/2010)
01/20/2010	<u>11</u>	ORDER granting Defendant's <u>6</u> Motion to Dismiss for Lack of Jurisdiction. Court finds Pla's claim for production of the Investigative Report is moot and Pla failed to exhaust her administrative remedies w/ respect to her claim for production of the investigation material. Court dismisses both claims. Court concludes that Pla is not eligible for award of atty's fees and costs under the FOIA or the Privacy Act. Signed by Judge Irma E. Gonzalez on 1/20/2010. (jah) (av1). (Entered: 01/20/2010)
01/20/2010	<u>12</u>	CLERK'S JUDGMENT IT IS SO ORDERED AND ADJUDGED that judgment is in favor of Department of the Navy against Michele Sterrett. Court grants Dft's Motion and dismisses both claims. Court concludes that Pla is not eligible for an award of atty's fees and costs under the FOIA or the Privacy Act. Case is closed.(jah)(av1). (Entered: 01/20/2010)